

Taylor-Lee: Family of Reynolds,
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APR 26 2012	
CLERK US DISTRICT COURT DISTRICT OF NEVADA	
BY: _____	DEPUTY

In the district court of the united states

for the district of nevada

Taylor-Lee: Family of Reynolds and
 Connie-Burlyne: Family of Evans
 Executor Legitimus/Executrix Legitima

Claimant/Petitioners

Case No. 3:11-cv-00910-RCJ -VPC

vs.

Robert Clive Jones
 HOMECOMINGS FINANCIAL
 NETWORK, INC. et al., GMAC
 MORTGAGE et al., DEUTSCHE
 BANK TRUST COMPANY AMERICAS
 et al., RESIDENTIAL FUNDING
 COMPANY, LLC et al.,
 EXECUTIVE TRUSTEE SERVICES, LLC.,
 FANNIE MAE, CEREBRUS CAPITAL
 MANAGEMENT, LSI TITLE CO. INC.,
 NEVADA LEGAL NEWS,
 DEPARTMENT OF TREASURY a/k/a
 INTERNATIONAL MONETARY FUND,
 PITE DUNCAN LLP, STEWART TITLE

Petition and demand for evidentiary hearing
 and order to show cause concerning Adverse
 Claimants-Respondents failure to prove
 Subject Matter Jurisdiction on the court
 record after demand by Petitioner's and
 demand for imposition of judicial
 misconduct

Adverse Claimants and Respondents, et. al

**Objection to hearing on Tuesday, May 29, 2012 @ 2:00 p.m., Due to the Courts
 Lack of Subject Matter Jurisdiction as Evidenced in this Petition**

Comes now, Connie-Burlyne: Family of Evans, and Taylor-Lee: Family of Reynolds, and
 hereby sues Respondents-Defendants for emergency injunctive, judicial misconduct "un

1 becoming” under Rules Enabling Acts 28 U.S.C.A. §§ 2071-2074 Supreme Court Rule 8, Federal
2 Rules of Appellate Procedure Rule 38 and 46(b) and Sanctions under F.R.C.P. 11 for bogus and
3 frivolous claims and 83 (b) and Declaratory Judgment under title 28 §§ 2201-2202.

4 **I. Parties and district court lack subject matter jurisdiction**

5 1. Plaintiffs- Petitioners Taylor-Lee: Family of Reynolds, Connie-Burlyne: Family
6 of Evans are before this Special Court of Equity and Record in the Legal Capacities of Executor,
7 Executrix, Donors, Grantors, Heirs and Beneficiaries of the Legal Estates of the Decedents
8 TAYLOR REYNOLDS and CONNIE EVANS under the Nevada Trust Act NRS Chapters
9 163.008 and 163.010 .

10 Petitioners are making this petition without the aid of counsel and will support said
11 petition with verification of the necessary and essential facts, and a Clerk certified the court
12 docket as evidence of the record.
13

14 2. Defendants jointly and/or separately (hereinafter “Defendants”) are or were, at all
15 material times hereto, “in charge of” foreign corporations whose corporate domicile and alleged
16 authority to do business in the State of Nevada is unknown and hereby questioned by Petitioners.

17 3. Honorable Judge Robert Clive Jones hereinafter judge is a person presumed to be a
18 licensed member of the bar with an oath of office in the regards to his duties as judge. It is
19 presumed that respondent is mandated by the cannon of judicial ethics in regards to his
20 performance in his ministerial capacities in his role as a judge. Judge Robert Clive Jones has
21 failed to perform his required ministerial duty as a Trustee under the Constitution as an Express
22 Trust of which Plaintiffs-Petitioners Taylor-Lee: Family of Reynolds, Connie-Burlyne: Family
23 of Evans are Beneficiaries and Constituent Members of the Posterity under the preamble under
24
25

1 Article 3 §§ 1 & 2 of the federal constitution of which Standing and Subject Matter Jurisdiction
2 are Threshold Issues and which this court is required to rule on Sua Sponte under Judge Robert
3 Clive Jones's Oath of Office as a non- discretionary function when noticed to do so by Petitioners.

4 4. This Court is in want and lack of r Subject Matter Jurisdiction and Venue because a
5 substantial part of the events and omissions giving rise to Claimants Petition is a direct result of
6 said respondents refusing to prove Subject Matter Jurisdiction as challenged, hence depriving the
7 Respondent Court of Subject Matter Jurisdiction at inception and the Respondent Judge Robert
8 Clive Jones refusing to perform his ministerial duty mandating respondents to prove Subject
9 Matter Jurisdiction as mandated injunctive relief against Respondents-Defendants is now sought.

10 5. This Petition is based upon the un- controverted facts of the record in this case
11 clearly reflect that Judge Robert Clive Jones was without Subject Matter Jurisdiction for a
12 multitude of reasons that will be explained in the Memorandum attachment hereto and
13 incorporated herein.

14 6. Petitioners became aware of a cause being filed to unlawfully seize property by
15 parties that have no Subject Matter Jurisdiction to do so, as It has come to the Petitioners attention
16 that this court is apparently, attempting to ignore Petitioner judiciary notice of ministerial duty
17 mandating respondents to prove Subject Matter Jurisdiction as challenged, and duty to cease
18 unlawful hearings and demand that Subject Matter Jurisdiction be proven, in total absence of Subject
19 Matter Jurisdiction / authority to do so.

20 7. Petitioners are submitting this demand for evidential hearing and order to show
21 cause concerning defendants' refusal to prove Subject Matter Subject Matter Jurisdiction and to
22 cease the unlawful hearings and remand said cause back to state court with original Subject Matter
23
24
25

1 Jurisdiction or demand that Subject Matter Jurisdiction be proven, and an entry of order to show
2 cause why sanctions should not be imposed on respondents as a result of their frivolous conduct.

3 **"The law provides that once State and Federal Subject Matter Jurisdiction has been**
4 **challenged, it must be proven.** "Main v.Thiboutot, 100 S. Ct. 2502 (1980) and also stated
5 **in" Stuck v.Medical Examiners, 94 Ca 2d 751. 211 P2d 389 the court held "Once**
6 **challenged, Subject Matter Jurisdiction cannot be assumed, it must be proved to exist.**
7 **"Stuck v. Medical Examiners, 94 Ca 2d 751. 211 P2d 389.**

8 8. Each of the named Respondents-Defendants and/or their successors, individually
9 and in their official capacity as President/CEO of their respective business entities, the ens legis
10 being used to conceal ultra vires acts as actual and constructive fraud, were and/or are the decision
11 makers for those alleged entities and the persons that expedited the ens legis to defraud
12 Petitioners.

13 9. Respondents as the subject of the Subject Matter Jurisdictional challenge, did
14 not show where respondent court has original Subject Matter Jurisdiction in this Matter,

15 **"Federal courts are courts of limited Subject Matter Jurisdiction, and may**
16 **only exercise Subject Matter Jurisdiction when specifically authorized to do so. A**
17 **party seeking to invoke a federal court's Subject Matter Jurisdiction bears the**
18 **burden of establishing that such Subject Matter Jurisdiction exists," McNutt v.**
19 **General Motors Acceptance Corp., 298 U.S. 178, 189 (1936).**

20 ". . . . Respondent court disregarded Petitioners Subject Matter Jurisdictional
21 challenge and has the responsibility by Oath of Office to assure itself that the Respondents had
22 standing and that subject-matter-Subject Matter Jurisdiction requirements are met at the time the
23 action is filed. Even without the concerns raised by the documents the plaintiffs have filed, there
24 is reason to question the existence of standing and want of Subject Matter Jurisdictional".

25 10. On or about December 23, 2011, parties involved submitted fraudulent and invalid
documents to respondent court to try to evade and escape the state courts ruling and order issued

1 on December 21, 2011 by Judge James E. Wilson Jr. (see Exhibit A) and attempting to steal
2 Petitioners property, when Petitioner became aware of this attempt it appeared to Petitioner that
3 parties involved are making an unwarranted attack on Petitioners property by unlawful
4 administrative process.

5 **"Under the Rooker-Feldman doctrine, lower federal courts cannot entertain**
6 **constitutional claims that have been previously adjudicated in state court or that are**
7 **inextricably intertwined with such a state adjudication."Gulla v. North Strabane Township,**
8 **146 F.3d 168, 171 (3d Cir. 1998). The doctrine is based on Congress' determination that**
9 **lower federal courts may not directly review the decisions of a state court. Id.; see also 28**
10 **U.S.C. § 1257. "District courts lack subject matter Subject Matter Jurisdiction once a state**
11 **court has adjudicated an issue because Congress has conferred only original Subject Matter**
12 **Jurisdiction not appellate Subject Matter Jurisdiction on the district courts."Guarino v.**
13 **Larsen, 11 F.3d 1151,1156-57 (3d Cir. 1993).**

14 Petitioners have no adequate remedy at law to redress the harm complained of. The lack of
15 Subject Matter Jurisdiction on the face of the record and attempted theft of the Petitioners
16 property, under the circumstances of record, is contrary to equity and good conscience in that such
17 sale is being instituted by parties who have no legal standing to institute an alleged "Trustee sale,"
18 ab initio.

19 11. Petitioners are exercising their rights to defend property and have made demand on
20 Judge Robert Clive Jones to cease all unlawful hearings concerning alleged 3:11-cv-00910-RCJ -
21 VPC, hold the mandatory hearing requiring the respondents to prove Subject Matter Jurisdiction as
22 challenged, once respondent Judge Robert Clive Jones was aware of the petitioners notice of the
23 courts absence and challenge of Subject Matter Jurisdiction respondent Judge Robert Clive Jones
24 defiantly never once even attempted to hold the mandatory hearing requiring the defendants to prove
25 Subject Matter Jurisdiction as challenged by and demanded by Petitioner, never submitting material
fact to prove Subject Matter Jurisdiction from inception as challenged and demanded by Petitioner,

1 demonstrating the total absence of Subject Matter Jurisdiction that renders said proceedings of
2 respondent court void on the face of the record.

3 12. Petitioners have challenged Subject Matter Jurisdiction of alleged 3:11-cv-00910-RCJ
4 -VPC by Mandatory Judicial Notice and judiciary notice of ministerial duty, NRS Chapter 47.140
5 Judicial Notice of the following Matters of Law, and were never answered by respondents, as if they
6 were and are never required to prove Subject Matter Jurisdiction when challenged by Petitioners;

7 "There is no discretion to ignore that lack of Subject Matter Jurisdiction." Joyce v. US,
8 474 F2d 215."No sanction can be imposed absent proof of Subject Matter Jurisdiction.""Once
9 challenged, Subject Matter Jurisdiction cannot be 'assumed'; it must be proved to exist!"
Stanard v. Olesen, 74 S.Ct. 768.

10 Once subject matter Subject Matter Jurisdiction is challenged, the respondent judge cannot ummarily
11 rule upon it as court is deprived of Subject Matter Jurisdiction to hold proceedings, rendering said
12 proceedings void on the face of the record.

13 **The district court acted outside and above the law**

14 13. The district court, was judicially noticed that the district court was deprived of and
15 lacked subject matter Subject Matter Jurisdiction and lacks discretion when Subject Matter
16 Jurisdiction is challenged and all proceedings are void and was judicially noticed that until want and
17 lack of Subject Matter Jurisdiction as challenged by petitioner is proven, all pleadings and
18 proceedings are barred by doctrine, acted outside and above the law to ignore Petitioners judiciary
19 notice of ministerial duty, mandating respondents to prove Subject Matter Jurisdiction as challenged,
20 and duty to cease unlawful hearings and demand that Subject Matter Jurisdiction be proven , in total
21 absence of Subject Matter Jurisdiction / authority to do so and outside and above the law to move
22 forward wholly without Subject Matter Jurisdiction on the face of the record and damaging
23 petitioners in the process.
24
25

1 14. The district court has no discretion to deny the relief in the form of ceasing void
2 proceedings and refusing to remand the matter back to State Court of Subject Matter Jurisdiction.

3 15. Judge Robert Clive Jones in refusing to perform his ministerial duty failed to
4 exercise its inherent power to cease all void hearings concerning alleged 3:11-cv-00910-RCJ -VPC
5 and Remand cause back to the state court of Original Subject Matter Jurisdiction, in an absolute and
6 total refusal to perform ministerial duty and in attempt to avoid the mandatory requirement defiantly
7 refused to require Respondents to prove Subject Matter Jurisdiction as challenged by petitioners as
8 evidenced on the face of the record, indicating that Judge Robert Clive Jones is fully aware that
9 Respondent/s never established Subject Matter Jurisdiction and is appearing to assist Respondent/s
10 in continuing to move forward in absence and want of Subject Matter Jurisdiction damaging
11 Petitioners and in violation of the law.

12 16. Judge Robert Clive Jones is in violation and breach of his Oath of Office and
13 Ministerial Duties compelled by the cannon of ethics in regards to his office and who has flagrantly
14 violated the laws when those laws absolutely require specific performance from the respondent/s and
15 Judge to give the Petitioners the relief sought.

16 17. Judge Robert Clive Jones has a clear legal duty to act pursuant to his oath of office,
17 under an Express Trust and the cannon of ethics in reporting unethical conduct of attorneys that occur
18 in his court and in his presence.

19 18. Judge Robert Clive Jones clearly observed the fraud and ultra vires acts upon the
20 court in light of Respondent/s filing deceptive fraudulent/frivolous documents into the court to evade
21 proving Subject Matter Jurisdiction as challenged with the intent that Petitioners and the court
22 would rely on, and to deprive Petitioners of Their money, property and rights and in attempt to avoid
23 the requirement to prove Subject Matter Jurisdiction in the first instance, indicating that Judge is
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1 fully aware that the Respondent/s never established Subject Matter Jurisdiction in the first instance
2 and appears to be assisting Respondent/s in continuing to unlawfully move forward in absence of
3 Subject Matter Jurisdiction and in violation of the law.

4 19. Judge Robert Clive Jones knew or should have known that he had a ministerial duty
5 to comply with the un-controverted facts of the record and act accordingly thereto as demanded by
6 Petitioners. The Mandatory Judicial Notice and memorandum in support was made and filed in the
7 respondent court in that Petitioners have no plain, speedy or adequate remedy in the ordinary course
8 of law as a void judgment and void proceedings are not appealable as any proceedings coming from a
9 court deprived of Subject Matter Jurisdiction are total nullities.

10 20. Proof of Subject Matter Jurisdiction as challenged is not a discretionary act and
11 requires the ministerial act of holding the mandatory hearing requiring the respondents to prove
12 Subject Matter Jurisdiction as challenged and if respondents fail to do so, Remand back to State
13 Court of Subject Matter Jurisdiction .
14

15 **On the basis that the underlying proceedings are void, " 'relief is not a discretionary matter; it**
16 **is mandatory'". Orner v. Shalala, 30 F.3d 1307, 1310 (10th Cir. 1994) (quoting V.T.A., Inc. v.**
Airco, Inc., 597 F.2d 220, 224 n.8(10th Cir. 1979)).

17 21. Petitioners have a clear legal right and duty to demand of the respondent court to
18 remand this case and matter back to the state court of Subject Matter Jurisdiction, there is no basis
19 and/or foundation in law to commence a proceeding wholly without Subject Matter Jurisdiction on
20 the face of the record using fraudulent, frivolous, forged and/or false documents.
21

22 22. Judge Robert Clive Jones has a clear legal duty under both the law and his Oath of
23 Office and his job required specific performance based on the face of the record.
24
25

1 23. Pursuant to NRS 2.120 and Chapters and the Nevada Rules of Civil Procedure;
2 Petitioners request an Order to Show Cause as to why Defendants should not be sanctioned for
3 filing a deceptive, invalid, fraudulent/frivolous documents that have been unlawfully filed and/or
4 recorded in the united states district court in and for the state of Nevada, clerk of the court's office by
5 Respondents attempting to evade proving Subject Matter Jurisdiction as challenged, attempting to
6 deprive Petitioners of money, property and rights and in attempt to avoid the requirement to prove
7 Subject Matter Jurisdiction in the first instance as challenged by Petitioners

8 24. It is likely that Petitioners will recover from Defendants in State Court of original
9 proceeding after this original Matter is remanded back to State Court of Subject Matter Jurisdiction,
10 as it has become obvious to Respondents that Remedy sought by Petitioners original action filed in
11 State Court is likely and inevitable and respondents in a reckless and desperate move to escape that
12 inevitability, have attempted to obstruct petitioners valid claim and are attempting to steal Petitioners
13 property, and deprive Petitioners of money, property and rights in avoiding the inevitable judgment
14 favorable to Petitioners in State Court of original proceeding .
15

16 25. Respondents conduct will result in Petitioners Right to Due Process of Law being
17 negated and unlawfully placing a cloud on the title to Petitioners real property.

18 26. Further, immediate action is necessary because Petitioners have no adequate remedy
19 at law. Based on these facts, Petitioners believe that the Respondents' deceptive actions will deprive
20 Petitioners of their right to Due Process of Law.

21 27. Pursuant to Nevada Rules of Civil Procedure NRS 2.120, Petitioners Petition this
22 Court to Remand this original matter back to State Court of Subject Matter Jurisdiction or order
23 Defendants to cease and desist all actions, against Petitioners until such a time as Defendants
24 disprove all of the allegations set forth herein.
25

Wherefore, Petitioners respectfully demand this Court:

A. Immediately Remand this original matter back to State Court of Subject Matter Jurisdiction and enter an Order for an evidential show cause hearing concerning Defendants' filing of frivolous/false documents into public office.

B. Enter an Order for an evidentiary/show cause hearing demanding Respondents to show cause why they should not be sanctioned Pursuant to NRS 2.120 of the Nevada Rules of Civil Procedure;

C. For any other and further relief which the Court deems just and proper.

Verification

We, Taylor-Lee: Family of Reynolds and Connie-Burlyne: Family of Evans certify and declare the following; that We have read the contents of the above Petition as a Deposit for a Special Purpose and know that the statements and contents are true and correct to the best of our Knowledge and belief and we, certify to this under penalties of perjury under the laws of the united states of america. Sealed, Signed, Executed, Attested, Acknowledged and Delivered by

This 25th day of April, 2012 and expressly reserving all liberties:

By: Taylor-Lee: Family of Reynolds (seal)

Taylor-Lee: Family of Reynolds -Grantor-Grantee, Testator-Executor Legitimus-Exequatur to the TAYLOR LEE REYNOLDS, estate

By: Connie-Burlyne: Family of Evans (seal)

Connie-Burlyne: Family of Evans -Grantor-Grantee-Testatrix-Executrix Legitima-Exequatur to the CONNIE BURLYNE EVANS, estate

NOTARY PUBLIC'S JURAT

BEFORE ME, the undersigned authority, a Notary Public, State of Nevada, this 25th day of April, 2012 a natural living man known as grantor-grantee-donor-executor legitimus-exequatur-grantee-heir-beneficiary-testator Taylor-Lee: Family of Reynolds and a natural living woman grantor-grantee-donor-executrix-legitima-exequatur-heir-beneficiary-testatrix Connie-Burlyne: Family of Evans, did appear before me by special appearance, and being known to me, upon first being duly sworn and/or affirmed, deposes and says that the foregoing asseveration is true to the Best of his knowledge and belief under the laws perjury of the United States of America.

WITNESS my hand and official seal.

/s/  _____
Notary Public, State of Nevada

(seal)

My Commission Expires On: 10/13/14 _____

(stamp)



Memorandum of Points and Authorities in support of Petition and demand for evidentiary hearing and order to show cause concerning defendants' refusal to prove Subject Matter Jurisdiction and filing of false and fraudulent documents into a public record and Petition and demand for Judicial Misconduct and Disbarment proceeding before the supreme court:

Standing

I. In its constitutional dimension, standing imports justiciability, i.e., whether plaintiff has made out a "case or controversy" between himself and defendant. U.S.C.A. Const. Art. 3, § 2, cl. 1.

II. The Standing Requirement

[14] The U.S. Supreme Court has stated the standing as follows: "To qualify for standing, a claimant must present an injury that is concrete, particularized, and actual or imminent; fairly traceable to the defendant's challenged behavior; and likely to be redressed by a favorable ruling."

III. Supreme Court Cases in support of standing

Davis v. Fed. Election Comm'n, --- U.S. ---, 128 S.Ct. 2759, 2768, 171 L.Ed.2d 737 (2008).

[15][16] Standing is a "threshold question in every federal case, determining the power of the court to entertain the suit." Warth v. Seldin, 422 U.S. 490, 95 S.Ct. 2197, 45 L.Ed.2d 343 (1975).

Hence, "a defect in standing cannot be waived; it must be raised, either by the parties or by the court, whenever it becomes apparent." U.S. v. AVX Corp., 962 F.2d 108, 116 n. 7 (1st Cir.1992).

[17][18] The inquiry into standing "involves both constitutional limitations on federal-court jurisdiction and prudential limitations on its exercise."

Warth v. Seldin, 422 U.S. 490, 498, 95 S.Ct. 2197, 45 L.Ed.2d 343 (1975). "In its constitutional dimension, standing imports justiciability: whether the plaintiff has made out a 'case or controversy' between himself and the defendant within the meaning of Art. III," Id.

[19] Apart from this minimum mandate, the Supreme Court recognizes other limits on the class of persons who may invoke the courts' decisional remedial powers. *Id.* at 499, 95 S.Ct. 2197. These prudential limitations are self-imposed rules of judicial restraint, and principally concern whether the litigant (1) asserts the rights and interests of a third party and not his or her own, (2) presents a claim arguably failing outside the zone of interests protected by the specific law invoked, or (3) advances abstract questions of wide public significance essentially amounting to generalized grievances more appropriately addressed to the representative* 769 branches. See *In re Newcare Health Corp.* 244 B.R. 167, 170 (1st Cir. BAP 2000).

IV. Contrast with Real Party in Interest

[20] In the context of relief from the automatic stay, the requirements of standing and real party in interest are often confused because of the similarity in language between § 362(d) and Rule 17 of the Federal Rules of Civil Procedure. Section 362(d) provides that relief from stay shall be granted “[O]n request of a party in interest.” This is a substantive requirement, and it is relatively broad: many parties are parties in interest for the purposes of § 362(d). *IndyMac* rightly argues that it qualifies as a party in interest for this motion. [21] The “real party in interest” requirement, on the other hand, is generally regarded as one of many “prudential” considerations that have been “judicially engrafted onto the Article III requirements for standing.” See, e.g., *In re Village Rathskeller*, 147 B.R. 665, at 668 (Bankr.S.D.N.Y.1992). To obtain relief in federal court, a party must meet both the constitutional requirements (standing) and the prudential requirements (including real party in interest). *Morrow v. Microsoft Corp.*, 499 F.3d 1332, 1339 (Fed.Cir.2007); see also *Village Rathskeller, Inc.*, 147 B.R. at 668 (citing *Warth v. Seldin*, 422 U.S. 490, 498, 95 S.Ct. 2197, 45 L.Ed.2d 343 (1975) for the proposition that “[t]he concept of standing subsumes a blend of constitutional requirements and prudential considerations”). A party may have standing—having suffered an “injury in fact”—but this may not make it the real party in interest. See, e.g., *Whelan v. Abell*, 953 F.2d 663, 672 (D.C.Cir.1992). Conversely, a party may be the real party in interest, but lack standing. See, e.g., *Davis v. Yageo Corp.*, 481 F.3d 661 (9th Cir.2007). Given that *IndyMac* has possession of the note here at issue, no detailed analysis is required to show that it clearly meets the standing requirements. Accord, *In re Conde-Dedonato*, 391 B.R. 247, 250-51 (Bankr.E.D.N.Y.2008) (standing to file a proof of claim). This case is thus different from *In re*

1 Hayes, 393 B.R. 259 (Bankr.D.Mass.2008), where the movant seeking relief from stay failed to
 2 show that it ever had any interest in the note at issue. In that case, the court found that the movant
 3 lacked standing altogether to bring the motion because it failed to show that the note was ever
 4 transferred to it, and thus it had no rights of its own to assert. See *id.* at 266-68; accord, *In re*
 5 Maisel, 378 B.R. 19, 20-22 (Bankr.D.Mass.2007) (denying standing where movant did not acquire
 note until after filing motion for relief from stay).

6 V. district court's responsibility Sua Sponte in Raising of Real Party in Interest

7 Issue;

8
 9 [22] IndyMac argues that it is improper for the court to raise sua sponte the issue of whether
 10 IndyMac is the real party in interest for this motion. The court overrules this objection. The
 11 governing principle on this issue was articulated more than sixty years ago by Judge Learned
 12 Hand, perhaps the most distinguished U.S. jurist who never sat on the U.S. Supreme Court. Judge
 13 Hand stated: "A judge is more than a moderator; he is charged to see that the law is properly
 14 administered, and it is a duty which he cannot discharge by remaining inert." *United States v.*
Marzano, 149 F.2d 923, 925 (2d Cir.1945).

15 The continuing vitality of this principle is shown in *770 *In re Bear Stearns* Page 14 396 B.R.
 16 757, 67 UCC Rep. Serv.2d 319 (Cite as: 396 B.R. 757).

17 Credit Strategies Master Fund, Ltd., 389 B.R. 325, 335 (S.D.N.Y.2008) , where the district court
 18 quoted this statement from Judge Learned Hand in rejecting a similar attack on the bankruptcy
 19 court's sua sponte raising the issue of the qualification of a foreign debtor to obtain recognition of
 20 a foreign proceeding under § 1517. The district court specifically approved the bankruptcy court's
 21 procedure in requiring an evidentiary hearing sua sponte (as the court has done in this case),
 22 pursuant to which the bankruptcy court had found that the evidence was insufficient to show that
 23 the foreign proceeding qualified for recognition as either a main proceeding or a non-main
 24 proceeding. The propriety of the court's raising sua sponte the real party in interest qualifications
 25 of IndyMac is specifically supported in addition by the only circuit court decision to address this
 issue, *Weissman v. Weener*, 12 F.3d 84, 85-86 (7th Cir.1993), which affirmed the district court's

1 raising sua sponte the Rule 17 issue. IndyMac concedes that this is the Seventh Circuit rule.
2 IndyMac contends that there is a split among the circuits on this issue, and that the Sixth Circuit
3 has adopted the opposite view in an ancient case, Kardo Co. v. Adams, 231 F. 950 (6th Cir.1916).
4 However, IndyMac (and perhaps the Weissman court as well) have misread the Kardo case. The
5 issue in Kardo, which the trial court raised sua sponte, was quite different: whether the corporate
6 plaintiff was in fact a corporation at all, and thus had capacity to sue, in light of its apparently
7 defective incorporation under Ohio law. The circuit court found that the defendant could not raise
8 the lack of corporate status as a defense, under the facts of the case. See *id.* at 959-72. The circuit
9 court's additional comment in Kardo, that the corporation was the real party in interest, is given no
10 analysis at all (after fourteen pages of analysis of the plaintiff's corporate status), and is purely
11 dicta. In addition, the court made no reference at all to Equity Rule 37 (the predecessor of Rule
12 17), which contained the "real party in interest" language now found in Rule 17. This court
13 concludes that the Sixth Circuit's reference to "real party in interest" in Kardo is a different
14 concept from that found in Rule 17, and is of no relevance in this case.

15 VI. Required Joinder of Parties

16 [23] Rule 17 is not the end of the procedural difficulties before the court. Movant must also
17 comply with the joinder requirements of Rule 19 by bringing before the court every person with
18 an interest in the note. Rule 17 must be interpreted together with Rule 19, which requires the
19 joinder of parties in appropriate circumstances. See 6A WRIGHT § 1543. IndyMac fails to satisfy
20 the required joinder of parties rule in this case.

21 Joinder of a person under Rule 19 is required whenever nonjoinder would produce one of the
22 following effects: (a) nonjoinder prevents complete relief from being accorded among those who
23 are parties to the action; (b) the absentee claims an interest relating to the subject matter of the
24 action and is so situated that disposing of the matter in that person's absence may (i) as a practical
25 matter impair or impede that person's ability to protect the interest, or (ii) leave an existing party
subject to a substantial risk of incurring double, multiple or otherwise inconsistent obligations
because of that party's interest.FN16 The *771 purpose of Rule 19 is "to bring before the court all

1 persons whose joinder would be desirable for a just adjudication” of the matter before the court. 7
2 WRIGHT § 1604. FN16. The Rule 19 provides in relevant

3 part:

4 VII. Persons Required to Be Joined if Feasible.

5 (1) Required Party.

6 A person who is subject to service of process ... must be joined as a party if:

7 (A) in that person's absence, the court cannot accord complete relief among existing
8 parties; or
9

10 (B) that person claims an interest relating to the subject of the action and is so situated that
11 disposing of the action in the person's absence may:

12 (i) as a practical matter impair or impede the person's ability to protect the interest;

13 or
14

15 (ii) leave an existing party subject to a substantial risk of incurring double, multiple, or otherwise
16 inconsistent obligations
17

18 because of the interest.

19 (2) Joinder by Court Order.

20 If a parson has not been joined as required, the court must order that the person be made a party.
21 A person who refuses to join as a plaintiff may be made either a defendant or, in a proper case, an
22 involuntary plaintiff....
23

24 (b) When Joinder Is Not Feasible.

1 If a person who is required to be joined if feasible cannot be joined, the court must determine
2 whether, in equity and good conscience, the action should proceed among the existing parties or
3 should be dismissed. The factors for the court to consider include:

4 (1) the extent to which a judgment rendered in the person's absence might prejudice that person or
5 the existing parties;

6 (2) the extent to which any prejudice could be lessened or avoided by:

7 (A) protective provisions in the judgment (B) shaping the relief; or

8 (C) other measures;

9 (3) whether a judgment rendered in the person's absence would be adequate; and

10 (4) whether the plaintiff would have an adequate remedy if the action were dismissed for
11 nonjoinder.

12 (c) Pleading the Reasons for Nonjoinder. When asserting a claim for relief, a party must state:

13 (1) the name, if known, of any person who is required to be joined if feasible but is not joined; and

14 (2) the reasons for not joining that person. It is the (b) (i) alternative that applies in this case.

15 Proceeding with relief from stay without the joinder of the owner of the note makes it impossible
16 (and impractical) to protect the interest of the real owner with respect to the note here at issue.
17 Indeed, the protection of its interest is particularly problematic, given that the FDIC has taken
18 over IndyMac, and the real owner may be reduced to making a claim in the IndyMac receivership
19 instead of collecting on the note. Unlike Rule 7017 (incorporating the Rule 17 real party in
20 interest rule), Rule 7019 (incorporating Rule 19 by reference) is not applicable automatically to
21 contested matters (including relief from stay motions) in a bankruptcy case. However, after
22 specifying the Part VII rules that apply automatically to contested matters, Rule 9014(c) states:
23 "The court may at any stage in a particular matter direct that one or more of the other rules in Part
24
25

1 VII shall apply.” In this case, the court has directed that Rule 7019 applies to this motion for relief
2 from stay.

3 FN17. Rule 9014 further requires the court to give notice to the parties of an order making any
4 non-specified rule applicable “to afford them a reasonable opportunity to comply with the
5 procedures prescribed by this rule.” The court has given this notice to IndyMac, which has refused
6 to join the owner of the note as a party to this motion, and has refused to plead or otherwise state
7 any reasons for its nonjoinder.

8 [24] There is no precise formula for determining whether a particular non-party must be joined
9 under Rule 19(a). The application of the rule turns on the facts of the individual case in light of
10 the general policies of (a) avoiding multiple litigation, (b) providing the parties with complete and
11 effective relief in a single action, and (c) protecting the absent persons from the *772 possible
12 prejudicial effect of deciding the case without them. 7 WRIGHT § 1604. IndyMac gives no
13 explanation for its failure to join the owner of the note in this motion. The likely reason is that
14 IndyMac does not know who the owner is, and thus cannot have any authority to join the owner
15 voluntarily. If IndyMac were the duly authorized loan servicer for the owner, the servicing
16 agreement would presumably authorize IndyMac to join the owner of the note in this motion, and
17 the problem would disappear. If the servicing agreement did not grant this authority, IndyMac
18 should have obtained authority from the owner to join the owner as a movant in this case.

19 VIII. “Statements of counsel in brief or in argument are not facts before the court and are
20 therefore insufficient for the court’s summary conclusion,” *Trinsey v. Pagliaro*, D.C. Pa.
21 1964, 229 F. Supp. 647.

22 IX. “When it clearly appears that the court lacks Subject Matter Jurisdiction, the court has no
23 authority to reach the merits. In such a situation the action should be dismissed for want of
24 Subject Matter Jurisdiction.” *Melo v. US*, 505 F2d 1026, 1030.

25 X. “However late this objection has been made, or may be made in any case, in an inferior or
Appellate court of the United States, it must be considered and decided, before any court can
move one further step in the cause; as any movement is necessarily the exercise of Subject Matter
Jurisdiction.” *Rhode Island v. Massachusetts*, 37 U.S. 657, 718, 9 L.Ed. 1233 (1838).

1 XI. "When Subject Matter Jurisdiction is challenged the burden of proof is on the
2 government." Title 5 U.S.C. §556(d) "No sanction can be imposed absent proof of Subject Matter
3 Jurisdiction." "Once challenged, Subject Matter Jurisdiction cannot be assumed, it must be proved
4 to exist!" Stanard v. Olesen, 74 S.Ct. 768.

5 XII. "The law requires proof of Subject Matter Jurisdiction to appear on the Record of the
6 administrative agency and all administrative proceedings." Hagans v. Lavine, 415 U.S. 533.

7 XIII. Subject Matter Jurisdiction, once challenged, is to be proven, not by the court, but by the
8 party attempting to assert Subject Matter Jurisdiction. The burden of proof of Subject Matter
9 Jurisdiction lies with the asserter.

10 XIV. The court is only to rule on the sufficiency of the proof tendered. See McNutt v. GMAC,
11 298 US 178. The origins of this doctrine of law may be found in Maxfield's Lessee v Levy, 4 US
12 308.

13 XV. "There is no discretion to ignore lack of Subject Matter Jurisdiction." Joyce v. U.S. 474 2D
14 215

15 XVI. "The law provides that once State and Federal Subject Matter Jurisdiction has been
16 challenged, it must be proven." Main v. Thiboutot, 100 S. Ct. 2502 (1980).

17 XVII. "Subject Matter Jurisdiction can be challenged at any time." and "Subject Matter
18 Jurisdiction, once challenged, cannot be assumed and must be decided." Basso v. Utah Power &
19 Light Co., 495 F 2d 906, 910.

20 XVIII. "Once challenged, Subject Matter Jurisdiction cannot be assumed, it must be proved to
21 exist." Stuck v. Medical Examiners, 94 Ca 2d 751. 211 P2d 389.

22 XIX. "Under the Rooker-Feldman doctrine, lower federal courts cannot entertain constitutional
23 claims that have been previously adjudicated in state court or that are inextricably intertwined
24
25

1 with such a state adjudication. "Gulla v. North Strabane Township, 146 F.3d 168, 171 (3d Cir.
2 1998). The doctrine is based on Congress' determination that lower federal courts may not
3 directly review the decisions of a state court. *Id.*; see also 28 U.S.C. § 1257. "District courts lack
4 subject matter Subject Matter Jurisdiction once a state court has adjudicated an issue because
5 Congress has conferred only original Subject Matter Jurisdiction not appellate Subject Matter
6 Jurisdiction on the district courts. "Guarino v. Larsen, 11 F.3d 1151, 1156-57 (3d Cir. 1993).

7 XX. Standing is a "threshold question in every federal case, determining the power of the court to
8 entertain the suit." *Warth v. Seldin*, 422 U.S. 490, 95 S.Ct. 2197, 45 L.Ed.2d 343 (1975). Hence, a
9 defect in standing cannot be waived; it must be raised, either by the parties or by the court,
10 whenever it becomes apparent." *U.S. v. AVX Corp.*, 962 F.2d 108, 116 n. 7 (1st Cir.1992).

11 XXI. As the Third Circuit has noted, although the rule barring review of state decisions by lower
12 federal courts "is easily stated, the test for determining whether a particular litigant seeks such
13 direct review is more complex.". *Gulla*, 146 F.3d at 171. A federal proceeding is barred under
14 Rooker-Feldman "when entertaining the federal court claim would be the equivalent of an
15 appellate review of [the state court] order." *FOCUS v. Allegheny County Court of Common*
16 *Pleas*, 75 F.3d 834, 840 (3d Cir. 1996). To put it another way, "Rooker-Feldman applies only
17 when in order to grant the federal plaintiff the relief sought, the federal court must determine that
18 the state court judgment was erroneously entered or must take action that would render that
19 judgment ineffectual." *Id.*

20 XXII. Subsequent courts have interpreted and expanded upon the Supreme Court's decision in
21 *Younger v. Harris* and have established a three-prong test to determine whether a federal court
22 should abstain from hearing a case:

23 (1) there must be an ongoing state judicial proceeding to which the federal plaintiff is a
24 party and with which the federal proceeding will interfere,

25 (2) the state proceedings must implicate important state interests, and

1 (3) the plaintiff must be afforded an adequate opportunity in the state proceedings to raise
2 constitutional claims.

3 See Middlesex County Ethics Committee v. Garden State Bar Ass'n, 457 U.S. 423,
4 (1982); FOCUS, 75 F.3d at 843.

5 In O'Neill, the Third Circuit was faced with the following question:

6 "[W]hether a state proceeding is 'pending' and Younger abstention proper, where the adjudicatory
7 process has become final as a result of the federal claimant's failure to pursue state-court judicial
8 review of an unfavorable state administrative determination?"

9 XXIII. Acts of Attorneys in this case are Ultra Vires, Conduct Unbecoming and subject to
10 Disbarment and Sanctions under applicable supreme court Rule 8, F.R.C.P. 11 and 83 (b) and
11 Federal Rules of Appellate Procedure 38, 47 (b) and 28 U.S.C.A. §§ 2071 and 2072 as the
12 Enabling Acts viz;

13 § 804.04 Supreme Court, on Rare Occasions, Directly Disbars Attorneys Using "Conduct
14 Unbecoming"

15 Standard of Rule 8

16
17 The Supreme Court has never directly construed the "conduct unbecoming" language of Supreme
18 Court Rule 8, but the "conduct unbecoming" language of Rule 8 is very similar to the language
19 used in Fed. R. App. P. 46. Rule 46(b) states:

20 Rule 46(b), (c). Attorneys.

21 (b) Suspension or Disbarment.

22 (1) Standard. A member of the court's bar is subject to suspension or disbarment by the court if the
23 member:

24 (A) has been suspended or disbarred from practice in any other court; or
25

1 (B) is guilty of conduct unbecoming a member of the court's bar.

2 (2) Procedure. The member must be given an opportunity to show good cause, within the time
3 prescribed by the court, why the member should not be suspended or disbarred.

4 (3) Order. The court must enter an appropriate order after the member responds and a hearing is
5 held, if requested, or Page 1 after the time prescribed for a response expires, if no response is
6 made.

7 (c) Discipline. A court of appeals may discipline an attorney who practices before it for conduct
8 unbecoming a member of the bar or for failure to comply with any court rule. First, however, the
9 court must afford the attorney reasonable notice, an opportunity to show cause to the contrary,
10 and, if requested, a hearing. Legislative History [Adopted Dec. 4, 1967, effective July 1, 1968;
11 amended Mar. 10, 1986, effective July 1, 1986; Apr. 24, 1998, effective Dec. 1, 1998.]

12 The Supreme Court reviewed Appellate Rule 46 in *In re Snyder* and upheld the of the Fed. R.
13 App. P. 46 "conduct unbecoming" standard, finding that it was not too vague when read in light of
14 "case law, applicable court rules, and 'the lore of the profession' as embodied in the codes of
15 professional conduct" (see generally §§ 803.03 -803.06) n1

16 There are very few discipline cases that have actually been initiated solely for conduct before the
17 Supreme Court itself, rather than for conduct relating to lower courts. Two cases from the mid-
18 1930's may have been initiated solely in the Supreme Court. These petitions resulted in
19 disbarment for "conduct unbecoming a member of the bar," but it is not clear to which "bar" the
20 Court is referring. The necessary information to discover the actions for which these attorneys
21 were disbarred remain buried in the National Archives, and is almost impossible to find because
22 these cases were not given docket numbers or United States Reporter cites. n2 It is possible that
23 there are more cases in which the Court used the "conduct unbecoming" standard at the Supreme
24 Court level, but, before 1972, these cases were not assigned docket numbers unless there was a
25 constitutional issue involved. The records only contain brief Court memos ordering attorneys "to
show cause." The facts of each case are skeletally outlined, if they are mentioned at all. The
Supreme Court show cause and disbarment orders can be found at the back of the United States

1 Reports in the "Miscellaneous Orders" section. Prior to 1972, some orders are available, but the
 2 records are not comprehensive or complete. The files on most disbarment proceedings, including
 3 the responses to the show cause orders and any other materials filed, have been transferred to the
 National Archives. n3

4 In at least three cases, the Supreme Court acted solely because of conduct before the Supreme
 5 Court itself. In *In re Gilbert*, an attorney refused to return fees, despite a Supreme Court order
 6 requiring him to do so. He was suspended for six months solely from the bar of the Supreme
 7 Court, and ordered to pay costs. n4 Chief Justice Taft, writing for the Court, observed, "[M]ere
 8 restitution [of the fees] is not enough, considering respondent's departure from duty. We must give
 9 our actions a punitive quality to mark the high obligation of the members of the bar to respect
 10 decisions of the Court." n5 Another attorney was disbarred by the Supreme Court for failing to
 11 respond to five letters sent by the Court clerk regarding deposits for payments costs in a prior
 12 case. n6 In a third case, the Supreme Court disciplined an attorney when he failed to respond to
 13 communications from the Court clerk regarding a pending case. n7 It should be emphasized that
 14 these very few cases of attorneys disbarred by the Supreme Court directly under the "conduct
 15 unbecoming" standard all involved behavior that would be considered unprofessional by
 16 practically every attorney, such as ignoring court orders or official inquiries. n8

16 Legal Topics:

17 For related research and practice materials, see the following legal topics:

18 Legal Ethics Professional Conduct General Overview Legal Ethics Sanctions General Overview
 19 Legal Ethics Sanctions Disbarments Legal Ethics Sanctions Disciplinary Proceedings General
 20 Overview Legal;

21 Page 2

22 30-804 Moore's Federal Practice - Civil § 804.04

23 Ethics Sanctions Suspensions

1 FOOTNOTES:

2 (n1)Footnote 1. Court upheld constitutionality of Fed. R. App. P. 46's "conduct unbecoming"
3 standard. In re Snyder, 472 U.S. 634, 643-645, 105 S. Ct. 2874, 86 L. Ed. 2d 504 (1985) .

4 (n2)Footnote 2. Mid-1930's cases initiated by Court, resulting in disbarment for "conduct
5 unbecoming a member of the bar." See In re Hall, 56 S. Ct. 303, 80 L. Ed. 1413 (1935) ; In re
6 Baker, 297 U.S. 691, 56 S. Ct. 384,
7 80 L. Ed. 985 (1935) ; see also K. Tucker, Disbarment and the Supreme Court of the United
8 States, 37 Fed. B.J. 37, 45-6 (1978).

9 (n3)Footnote 3. See Robert L. Stern, Eugene Gressman, Supreme Court Practice 748 (7th ed.,
10 Bureau of National Affairs 1999).

11 (n4)Footnote 4. Attorney suspended for six months from bar of Supreme Court for refusing to
12 return fees despite Court's order requiring him to do so. In re Gilbert, 276 U.S. 294, 295-299, 48
13 S. Ct. 309, 72 L. Ed. 580 ; 276 U.S. 294, 48 S. Ct. 309, 72 L. Ed. 580 (1928) .

14 (n5)Footnote 5. 276 U.S. at 298 ; for context, see Newton v. Consolidated Gas Company of New
15 York, 259 U.S. 101, 105-106, 42 S. Ct. 438, 66 L. Ed. 844 (1922) .

16 (n6)Footnote 6. Attorney disbarred for failing to respond to five letters sent by Court clerk
17 regarding deposits for payments costs in prior case. See In re Kagey, 58 S. Ct. 742, 82 L. Ed. 1559
18 (1938) .

19 (n7)Footnote 7. Attorney disciplined when he failed to respond to communications regarding
20 pending case. In re Davis, 289 U.S. 704, 53 S. Ct. 658, 77 L. Ed. 1461 (1933) .

21 (n8)Footnote 8. K. Tucker, Disbarment and the Supreme Court of the United States, 37 Fed. B.J.
22 37, 43-44
23

24 (1978).
25

1 * We are particularly grateful to Shelagh C. Newton, '00 Boston College Law School for her
2 invaluable assistance with this chapter.

3 Page 3

4 30-804 Moore's Federal Practice - Civil § 804.04

5 Dated this 26th day of April, 2012.
6

7 **Affidavit/Declaration**

8
9 Fifteen days from the verifiable receipt of this Petition, Judge Robert Clive Jones will
10 immediately remand this original matter back to State Court of Subject Matter Jurisdiction and
11 enter an Order for an evidential show cause hearing concerning Defendants' filing of frivolous,
12 bogus and false documents into the public record demanding Respondents to show cause why
13 they should not be sanctioned Pursuant to F.R.C.P. Rule 11 and 83(b) and 28 U.S.C.A. §§ 2071-
14 2074 as the Enabling Acts, Supreme Court Rule 8, Federal Rules of Appellate Procedure Rules 38
15 and 46 (b) and the Nevada Rules of Civil Procedure NRS 2.120. For any other and further relief
16 which the Court deems just and proper.
17
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INDIVIDUAL ACKNOWLEDGEMENT

state of Nevada }
}
} ss
county of carson }

On this 25th day of April, 2012, before me, the undersigned officer, personally appeared Affiants-Plaintiffs-Claimants Taylor-Lee: Family of Reynolds, Connie-Burlyne: Family of Evans, known to me (or satisfactorily proven) to be the Affiants-Claimants-Donors-Grantors-Beneficiaries-Testator-Testatrix-Executor Legitimus-Executrix Legitima and the Natural Person(s) whose name(s) are subscribed to the within Affidavit and acknowledged that they executed the same for the purposes therein contained.

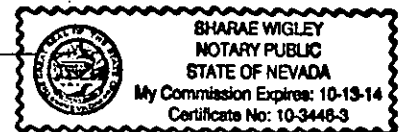
In witness whereof, I hereunto set my hand and official seal by

Sharae Wigley residing at carson county Notary Public in and for the state of nevada.

My appointment expires 10/13/14

[Signature]

Signature of Notary Public



We declare under penalty of perjury under the laws of the United States of America that the foregoing is true, complete and correct. Executed on this 25th day of April, 2012

Taylor-Lee; Family of Reynolds
Affiant-Plaintiff-Claimant-Testator-Executor Legitimus-Exequatur-Taylor-Lee: Family of Reynolds (seal)

Connie-Burlyne; Family of Evans
Affiant-Plaintiff-Claimant-Testatrix-Executrix Legitima-Exequatur-Connie-Burlyne: Family of Evans (seal)

CERTIFICATE OF SERVICE

We, Taylor-Lee: Family of Reynolds and Connie-Burlyne: Family of Evans declare that We are over 18 years of age and a true and exact copy of the above Petition was served on the alleged Adverse Claimants and their Counsel by deposit in the UNITED STATES MAIL Postage prepaid, FIRST CLASS on 4/ 26 /2012 addressed as follows:

Gmac Mortgage, LLC.
c/o CSC SERVICES OF NEVADA, INC.
2215-B RENAISSANCE DR
LAS VEGAS, NV 89119

Executive Trustee Services, LLC.
c /o CSC SERVICES OF NEVADA, INC.
2215-B RENAISSANCE DR
LAS VEGAS, NV 89119

RESIDENTIAL FUNDING COMPANY, LLC
c /o CSC SERVICES OF NEVADA, INC.
2215-B RENAISSANCE DR
LAS VEGAS, NV 89119

Homecomings Financial Network, Inc.
HAS BEEN WITHDRAWN FROM SECRETARY OF STATE OF NEVADA

Fannie Mae
Attn: Legal Department
3900 Wisconsin Ave. NW
Washington, DC 20016-289

Cerberus Capital Management
299 Park Ave.
New York, NY 10171

Nevada Legal News
c/o MR. INCORPORATION, INC.
364 TERRACE VIEW
STATELINE, NV 89449/(MAILING ADDRESS) PO BOX 12397,
ZEPHYR COVE, NV 89448

1 LSI Title Company, Inc.
2 c/o THE CORPORATION TRUST COMPANY OF NEVADA
3 311 S DIVISION ST
4 CARSON CITY, NV 89703

5 Stewart Title Company
6 c/o THE CORPORATION TRUST COMPANY OF NEVADA
7 311 S DIVISION ST
8 CARSON CITY, NV 89703

9 DEUTSCH BANK NATIONAL TRUST COMPANY
10 c/o THE CORPORATION TRUST COMPANY OF NEVADA
11 311 S DIVISION ST
12 CARSON CITY, NV 89703

13 Pite Duncan, LLP
14 701 E BRIDGER AVE, STE 700
15 LAS VEGAS, NV 89101

16 Department of the Treasury a/k/a International Monetary Fund
17 c/o PETER TOLOTTI
18 3338 GYPSUM RD
19 RENO, NV 89503/(MAILING ADDRESS) PO BOX 10351 RENO, NV 89510

20 WOLFE & WYMAN, LLP
21 980 KELLY JOHNSON DRIVE, SUITE 140
22 LAS VEGAS, NV 89119-3778

23 KERRY P. FAUGHNAN, ESQ.
24 P.O. BOX 335361
25 NORTH LAS VEGAS, NV 89033

MCCARTHY & HOLTHUS, LLC.
9510 W. SAHARA, SUITE 110
LAS VEGAS, NV 89117

21 *Taylor-Lee: Family of Reynolds*
22
23 Plaintiff-Claimant-Executor Legitimus-Taylor-Lee: Family of Reynolds (seal)

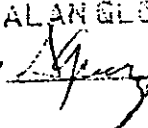
24 *Connie-Burlyne: Family of Evans*
25 Plaintiff-Claimant-Executrix Legitima-Connie-Burlyne: Family of Evans (seal)

EXHIBIT A

REC'D & FILED

2011 DEC 21 PM 12:03

ALAN GLOVER
CLERK

BY  REPLY

FIRST JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
IN AND FOR CARSON CITY

TAYLOR-LEE FAMILY OF
REYNOLDS, CONNIE-BURLYNE:
FAMILY OF EVANS,

CASE NO. 11 RP 00017 1B

DEPT. 2

Plaintiffs-Claimants,

vs.

ORDER GRANTING
TEMPORARY PROTECTIVE
ORDER

HOMEcomings FINANCIAL
NETWORK, INC. et al GMAC
MORTGAGE et al., EXECUTIVE
TRUSTEES SERVICES LLC, FANNIE
MAE-FREDDIE MAC, and CEREBRUS
CAPITAL MANAGEMENT, LSI TITLE
CO. INC., NEVADA LEGAL NEWS,
DEPARTMENT OF TREASURY a/k/a
INTERNATIONAL MONETARY FUND,
PITE DUNCAN LLP,

Defendant.

Taylor Lee Reynolds and Connie Burlyne Evans moved for an ex parte temporary restraining order. It appears from the pleadings their home was foreclosed and they have been served with a notice to quit. It further appears there may be genuine issues concerning the lawfulness of the foreclosure.

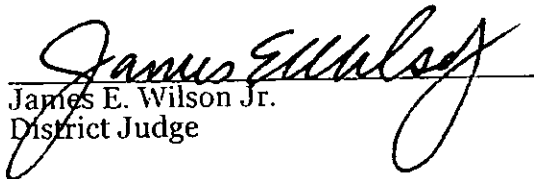
IT IS ORDERED:

The court grants a temporary restraining order prohibiting the eviction of Taylor Lee Reynolds and Connie Burlyne Evans from 5691 Camus Road, Carson City, Nevada until this court can hold an evidentiary hearing on January 27.

1 **2012 at 1:30 p.m.**

2 It does not appear the plaintiffs have served their complaint as required by
3 Nevada Rule of Civil Procedure (NRCP) 4. If Plaintiffs want to proceed in this
4 matter they are ordered to immediately serve their complaint upon all
5 defendants as required by NRCP 4, and all other documents they have filed
6 upon all defendants as required by NRCP 5. Failure to complete service of the
7 complaint and other documents upon all defendants as required by NRCP 4 and
8 5 by **January 12, 2012** may result in the dissolution of the temporary
9 restraining order, dismissal of this action, or both.

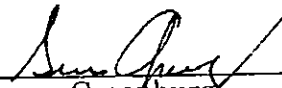
10 December 21, 2011

11 
12 James E. Wilson Jr.
13 District Judge
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CERTIFICATE OF SERVICE

Pursuant to NRCP 5(b), I certify that I am an employee of The Honorable James E. Wilson, and I certify that on this 21 day of December, 2011, I deposited for mailing at Carson City, Nevada, or caused to be delivered by messenger service, a true and correct copy of the foregoing order and addressed to the following:

Taylor Reynolds
Connie B. Evans
5691 Camus Rd.
Carson City, NV 89701



Susan Greenburg
Judicial Assistant